

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2010-007970-001 DT

07/31/2015

COMMISSIONER DAVID V. SEYER

CLERK OF THE COURT

A. Chee

Deputy

STATE OF ARIZONA

DANIEL IAN HUTTO

v.

LAURIE AILEEN HENDEL (001)

DOB: 10/20/1974

DAVID R APPLETON

APO-SENTENCINGS-CCC

APPEALS-CCC

DISPOSITION CLERK-CSC

RFR

DISPOSITION HEARING - PROBATION REINSTATED

1:58 p.m.

Courtroom CCB 802

State's Attorney: Daniel Hutto

Defendant's Attorney: Mark Weingart

Defendant: Present

Court Reporter, Helene Paustine, is present.

A record of the proceeding is also made by audio and/or videotape.

Discussion is held.

2:22 p.m. Court stands at recess.

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2:38 p.m. The Court reconvenes with respective counsel and the Defendant present.

Court Reporter, Helene Paustine, is present.

A record of the proceeding is also made by audio and/or videotape.

LET THE RECORD REFLECT the following make statements to the Court: Jerry Michael Matte, Julia Hendel, and the Defendant.

The Court finds Defendant has violated the conditions of probation previously imposed.

IT IS ORDERED suspending imposition or execution of sentence and, under the supervision of the Adult Probation Department (APD), reinstating the Defendant on probation upon release from prison in CR2014-030161-001.

Count 1: For a period of 4 years.

IT IS ORDERED that probation in COUNT 1 shall run concurrent with probation in CR2010-030369-001. (see "LATER" below.)

Conditions of probation include the following:

Condition 6: Report to the APD within 72 hours of sentencing, absolute discharge from prison, release from incarceration, or residential treatment and continue to report as directed. Keep APD advised of progress toward case plan goals and comply with any written directive of the APD to enforce compliance with the conditions of probation. Provide DNA testing if required by law.

Condition 8: Request and obtain written permission of the APD prior to leaving the STATE.

Condition 15: Restitution, Fines and Fees:

DUI Abatement Fund: Count 1 - \$15.00, payable \$15.00 per month.

PRISON CONSTRUCTION & OPERATIONS FUND: Count 1 - \$15.00 payable \$15.00 per month.

Count 1: Time payment fee pursuant to A.R.S. § 12-116 in the amount of \$20.00.

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Payment to commence on a date to be determined and is due on the same day of each month thereafter until paid in full.

Condition 16: Not consume or possess any substances containing alcohol.

IT IS FURTHER ORDERED that Defendant shall submit to fingerprint identification processing by the Maricopa County Sheriff's Office if directed to do so by the Adult Probation Department. The Adult Probation Department shall direct any Defendant placed on probation who has not already had a State Identification Number (SID) established to submit to fingerprint processing.

Defendant is reminded that failure to maintain contact with the Probation Department as required by your Probation Officer may result in the following orders being issued against you:

1. A criminal restitution order in favor of the state for the unpaid balance, if any, of any fines, costs, incarceration costs, fees, surcharges or assessments imposed.
2. A criminal restitution order in favor of each person entitled to restitution for the unpaid balance of any restitution ordered.

IT IS FURTHER ORDERED Defendant be given credit for any monies paid to date.

Count(s) 1: IT IS FURTHER ORDERED Defendant be released from custody for this count only.

The written terms and conditions of probation are handed to the Defendant for explanation and signature. The Defendant is advised of the consequences of failure to abide the terms of probation.

The probation violation report is filed under CR2014030161001.

2:51 p.m. Matter concludes.

LATER:

The Court stated during the sentencing in this matter that the probation cases in CR2010-007970-001 and CR2010-030369-001 would run concurrently with the prison sentence imposed in CR2014-030161-001. The Court subsequently recognized that it would be erroneous to run the probation terms concurrently with a prison sentence; see State v. Castro (App. Div.1 1976) 27 Ariz. App. 323, 554 P.2d 919.

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Accordingly,

IT IS ORDERED that the terms of probation in CR2010-007970-001 and CR2010-030369-001 will be suspended while the Defendant is imprisoned in CR2014-030161-001. Upon her physical release from the Department of Corrections, the Defendant's probation matters shall resume. The Probation Department shall determine a new termination date for the Defendant's probation matters.

IT IS ORDERED that defense counsel shall preserve defendant's file for post-conviction relief purposes. If defense counsel receives notice that defendant is seeking post-conviction relief, counsel shall prepare the file for delivery to PCR counsel and shall make timely arrangements for the exchange thereof when notified. Further, upon exchange of the file, defense counsel shall file with the court a Notice of Compliance that shall, at a minimum, include date of compliance, recipient of the file, and an itemization of contents of the file. A copy of the Notice shall be provided to PCR counsel, the State and the PCR Unit.

This case is eFiling eligible: <http://www.clerkofcourt.maricopa.gov/efiling/default.asp>. Attorneys are encouraged to review Supreme Court Administrative Order 2011-140 to determine their mandatory participation in eFiling through AZTurboCourt.

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Defendant's right index fingerprint is permanently affixed to this sentencing order in open court.

/s/ COMMISSIONER DAVID V. SEYER
JUDGE OF THE SUPERIOR COURT

(right index fingerprint)